

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOAN DOE, a minor, by MARY DOE )  
and RICHARD DOE, her parents and )  
natural guardians, and JANE POE, )  
a minor, by JUDY POE and JOHN POE, )  
her parents and natural guardians, )

Plaintiffs, )

v. )

Civil Action No. 09-0338

UPPER ST. CLAIR SCHOOL DISTRICT; )  
DR. PATRICK T. O'TOOLE, in his )  
individual capacity; DR. TERRENCE )  
KUSHNER, in his individual )  
capacity; DR. MICHAEL GHILANI, in )  
his individual capacity; DR. SHARON )  
SURITSKY, in her individual )  
capacity; LOU ANGELO, in his )  
individual capacity; JACE B. )  
PALMER, in his individual capacity; )  
JENNIFER WAGNER, in her individual )  
capacity; WESLEY SPECTRUM SERVICES; )  
THE WESLEY INSTITUTE, INC.; WESLEY )  
ACADEMY; THE WESLEY INSTITUTE, INC. )  
d/b/a/ WESLEY ACADEMY; WESLEY )  
SPECTRUM SERVICES FOUNDATION; )  
ESTHER R. VON WALDOW f/k/a/ ESTHER )  
R. HAGUEL, in her individual )  
capacity, )

Defendants. )

MEMORANDUM and ORDER

Gary L. Lancaster  
District Judge.

July 15, 2009

This is an action in civil rights brought by plaintiffs Mary Doe and Richard Doe, on behalf of their minor daughter Joan Doe, and Judy Poe and John Poe, on behalf of their minor daughter Jane Poe. Plaintiffs have alleged claims pursuant to Title IX of the Civil Rights Act of 1964, 20 U.S.C. § 1681(a), and section 1983

of the Civil Rights Act of 1871, 42 U.S.C. § 1983 [doc. no. 1]. Count II of plaintiffs' complaint alleges a Title IX claim against defendant Upper St. Clair School District ("USCSD") wherein plaintiffs seek punitive damages. Pending before the court is defendant USCSD's motion to dismiss plaintiff's claim for punitive damages as set forth in Count II [doc. no. 34]. For the reasons set forth below, the motion will be granted.

USCSD is a public school district and is, therefore, considered to be a municipal entity. See Jett v. Dallas Indep. Sch. Dist., 491 U.S. 701 (1989) (referring to the defendant school district as a municipality); McGreevy v. Stroup, 413 F.3d 359, 367 (3d Cir. 2005) (same). The Supreme Court has made clear that punitive damages are not recoverable against municipalities. City of Newport v. Fact Concerts, Inc., 453 U.S. 247, 271 (1981). Consequently, punitive damages are not recoverable against USCSD in this case. Plaintiffs' claim for punitive damages against USCSD will be dismissed with prejudice. An appropriate order follows.

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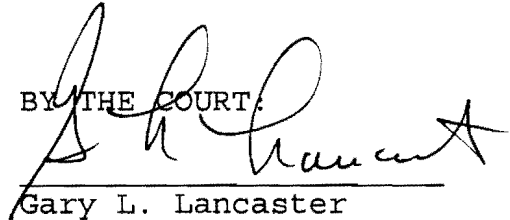
UPPER ST. CLAIR SCHOOL DISTRICT; )  
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SPECTRUM SERVICES FOUNDATION; )  
ESTHER R. VON WALDOW f/k/a/ ESTHER )  
R. HAGUEL, in her individual )  
capacity, )  
Defendants. )

<sup>15</sup> ORDER

AND NOW this 15 day of July, 2009, upon consideration of  
the motion for partial dismissal [doc. no. 34] filed by defendants  
Upper St. Clair School District, Dr. Patrick O'Toole, Dr. Terrence  
Kushner, Dr. Michael Ghilani, Dr. Sharon Suritsky, Lou angelo, Jace  
B. Palmer, and Jennifer Wagner, and the plaintiffs' response

thereto, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said motion is GRANTED. Plaintiffs' claim for punitive damages in Count II of the complaint is dismissed with prejudice.

BY THE COURT:

A handwritten signature in black ink, appearing to read "G. L. Lancaster", written over a horizontal line.

Gary L. Lancaster  
United States District Judge

cc: All counsel of record